

DOCKET FILE COPY ORIGINAL

March 1, 1999

Magalie Roman Salas, Esquire
Secretary
Federal Communications Commission
Room 222
445 12th Street, S.W.
Washington, DC 20554

RECEIVED
MAR - 3 1999
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Ms. Salas,

Enclosed is an original and four copies of a Petition for Rule Making to amend the FM table of allotments for a new FM broadcast station for Kula, Hawaii.

Sincerely,



Victor A. Michael Jr.
President
Mountain West Broadcasting
6807 Foxglove Drive
Cheyenne, Wyoming 82009

307-778-9318

No. of Copies rec'd
List ABCDE

0+4

MMB

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, DC 20554

RECEIVED

MAR - 3 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the matter of:)
)
 Amendment of Section 73.202 (b))
)
 Table of Allotments)
)
 FM Broadcast Stations)
)
 (Kula, Hawaii)

RM-_____

PETITION FOR RULE MAKING

In this petition, Mountain West Broadcasting is hereby requesting to allot channel 244C2 (96.7 Mhz) to Kula, Hawaii as its first local FM allotment.

INTRODUCTION

1. This statement is a petition for rule making to allot FM channel 244C2 (96.7 Mhz) to Kula, Hawaii and add it to the Commission's FM table of allotments, 73.202. The following will show the need for an FM channel and the effects the allotment of Channel 244C2 to Kula will have.

DISCUSSION

2. Kula is located on Maui island. It is also located within Maui County, a county of some 100,374 persons. Kula has a population of 2,000 persons in accordance with the U.S. 1990 census.

3. The allotment of channel 244C2 to Kula will provide the first local broadcast facility to the community and/or the surrounding area. The closest FM allotment is located at Pukalani, Hawaii. Pukalani is located 6 kilometers from Kula.

It is obvious that from the above spacing that Kula is presently without local FM service.

4. Kula would greatly benefit from an FM allotment due to the fact there is no AM or FM broadcast facilities within 6 Kilometers of Kula. Because of this, it would have an outlet for local self expression. Health and safety for the community would be increased due to having a local communications outlet for warning the area of emergency conditions caused by severe weather or other health hazards.

5. Channel 244C2 can be allotted to Kula and meet all rules and requirements of the Commission. The instant proposal will not cause a change in the channel number or a deletion of any channel now appearing in the Commission's table of allotments 73.202.

	<u>Present</u>	<u>Proposed</u>
Kula, Hawaii	—	244C2

6. In accordance with 73.207 of the Commission's rules, "Minimum Distance Separations between Stations", all allotments on Channel 244C2 and the pertinent adjacent channels to 244C2 have been studied with the results listed in Figure 1 of this petition. The geographic coordinates used for the spacing

Study (N 20 - 44' - 39", W. 156 - 19' - 53") are that of a site located within the community of Kula. No site restriction will be required to allot channel 244C2 to Kula. Many suitable transmitter sites are available to provide city grade coverage (3.16 mv/m or 70 dbu) to the entire community of Kula. These sites would also provide full minimum spacing requirements to other allotments.

CONCLUSION

7. It has been shown that Kula a would benefit from the allotment of channel 244C2. It has also been shown that channel 244C2 can be allotted to Kula and meet all rules regarding spacing from other stations. Considering these two facts, Mountain West Broadcasting hereby requests that the Federal Communications Commission institute a Rule Making proceeding to amend the Table of Allotments to include channel 244C2 for Kula, Hawaii , 73.202.


8. Should channel 244C2 be allotted to Kula, I certify that I will file an application for a Construction Permit to operate an FM station for Kula, Hawaii.

CERTIFICATION

9. I certify that I have prepared or directly supervised the preparation of this entire Petition for Rule Making, and that the facts contained within are true to the best of my knowledge, information and belief, accurate and true.

Dated: March 1, 1999

Respectfully submitted,



Victor A. Michael Jr.
President
Mountain West Broadcasting
6807 Foxglove Drive
Cheyenne, WY 82009

307-778-9318

MAPFM search of channel 244C2 (96.7 MHz), at N. 20 44 39, W. 156 19 53.

Searching Channel 244C2 (96.7 MHz):

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEARANCE
ALC	Kailua	HI	242	C	U	161.7	105.0	293.7°	56.7
KRTRFM	Kailua	HI	242	C	L	161.7	105.0	293.7°	56.7
K244AG	Maui	HI	244	D	L	24.7	0.0	308.1°	24.7
K244DN	Honokowa, etc.	HI	244	D	L	60.4	0.0	280.7°	60.4
ALC	Hilo	HI	246	C2	U	165.3	58.0	131.3°	107.3
KNWB	Hilo	HI	246	C2	L	167.7	58.0	129.3°	109.7
K297AC	Wailuku, etc.	HI	297	D	L	24.1	0.0	312.4°	24.1

FIGURE 1
KULA, HAWAII
MOUNTAIN WEST BROADCASTING